

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION

GABRIEL MIRANDA, SR., and)
MARIA FUENTES, Individually)
and as Representative of the)
Estate of GABRIEL MIRANDA,)
JR.,)
)
Plaintiffs,)
) Civil Action No.
-vs-) 7:18-cv-00353
)
NAVISTAR, INC., NAVISTAR)
INTERNATIONAL CORPORATION, IC)
BUS, LLC, and IC BUS OF)
OKLAHOMA, LLC,)
)
Defendants.)

The deposition of JOSEPH LABONTE, called
for examination pursuant to subpoena and the Rules
of Civil Procedure for the United States District
Courts pertaining to the taking of depositions,
taken before Allison D. Weber, Certified Shorthand
Reporter, a notary public within and for the County
of Cook and State of Illinois, at 150 North
Michigan Avenue, 28th Floor, Chicago, Illinois, on
January 29, 2020, at the hour of 9:57 o'clock a.m.

Reported by: Allison D. Weber, CSR
License No.: 084-002238

1 BY MS. NGUYEN:

2 Q. So in the scenario where he went out the
3 back door, would he have been able to do that if
4 that rear emergency exit door had been locked?

5 MR. COLLINS: Objection. Form.

6 THE WITNESS: He could have undone
7 the lock.

8 BY MS. NGUYEN:

9 Q. And there would have been an unlocking
10 mechanism back there?

11 A. Right now there's the vandal lock, and
12 it's -- can lock the door and it can be unlocked
13 from the back of the bus.

14 Q. The outside or the inside?

15 A. The inside.

16 Q. I'm talking about a system where that --
17 let's just strike that.

18 So as you sit here today, you're
19 telling me that the rear emergency exit door is for
20 egress, correct?

21 A. Correct.

22 Q. And that means to get out of the bus,
23 correct?

24 A. Correct.

1 Q. Was there any reason that you know of for
2 anybody to have a reason to go out of the rear exit
3 while the bus was in motion?

4 A. We talked about those scenarios.

5 Q. While the bus is in motion in -- on the
6 highway in this scenario?

7 A. Again, it's a convoluted question.

8 Q. Well, then let me make it simpler.

9 A. Okay.

10 Q. You agree with me that the subject school
11 bus was being driven on the highway at highway
12 speeds at the time of the incident?

13 A. Yes.

14 Q. And you agree with me that in your review
15 of the materials from the police department that
16 there was no obvious emergency occurring on the bus
17 while the bus was being driven on the highway?

18 MR. COLLINS: Objection. Form.

19 THE WITNESS: I didn't see that in any
20 record, correct.

21 BY MS. NGUYEN:

22 Q. Okay. So what reason can you think of
23 for that bus being unlocked when there was no
24 emergency while that bus was being driven down the

1 highway?

2 MR. COLLINS: Objection. Form.

3 THE WITNESS: Because it's required by

4 FMVSS 217.

5 BY MS. NGUYEN:

6 Q. So is that the only reason why?

7 A. In the event that there was an emergency,
8 yes.

9 Q. But there was no emergency in this
10 scenario, correct?

11 MR. COLLINS: Objection. Form.

12 THE WITNESS: There was no emergency,
13 and the bus must be in a state of being able
14 to use the emergency exits at any time.

15 BY MS. NGUYEN:

16 Q. You're saying that even though the bus is
17 going down the highway at highway speeds, if there
18 were an emergency on the bus that as the bus is
19 going down 60, 65 miles an hour, that people should
20 jump off?

21 MR. COLLINS: Objection. Form.

22 THE WITNESS: I don't prescribe when and
23 how. That's how we believe the Federal Motor
24 Vehicle Safety Standard 217 requires that when

1 the bus is running that the emergency exits
2 shall not be able to be opened by the use of
3 any remote methods other than the handle.

4 BY MS. NGUYEN:

5 Q. Are there any scenarios you can think
6 of, real world or otherwise, except in movies,
7 where a student, a child needs to jump out of the
8 back of a bus while the bus is still moving on the
9 highway at highway speeds?

10 MR. COLLINS: Objection. Form.

11 THE WITNESS: I don't have any scenarios
12 for that.

13 BY MS. NGUYEN:

14 Q. You agree that an electrical locking
15 mechanism for the rear emergency exit door could
16 have been engineered for the subject bus, not
17 installed, but engineered?

18 MR. COLLINS: Objection. Form.

19 THE WITNESS: Not that would meet the
20 Federal Motor Vehicle Safety Standards.

21 BY MS. NGUYEN:

22 Q. Right. Irrespective of the 217, it could
23 have been engineered?

24 MR. COLLINS: Objection. Form.

1 A. Yes, that's also an element of
2 FMVSS 217.

3 Q. Now, generally you would agree with me
4 that while a bus is moving on a highway under
5 normal operations there's really no reason for the
6 rear emergency exit door to be opened --

7 MR. COLLINS: Objection. Form.

8 BY MS. NGUYEN:

9 Q. -- right?

10 A. I don't know. There could be a way of --
11 if there was smoke to evacuate the smoke.

12 MS. NGUYEN: Objection. Nonresponsive.

13 BY MS. NGUYEN:

14 Q. We're talking about here under normal
15 operations, no emergency --

16 A. Correct.

17 Q. -- whatsoever. There's no reason for the
18 rear emergency door to be opened?

19 A. In a normal driving along the road,
20 correct.

21 Q. And as you sit here today, your testimony
22 is you don't know on the occasion in question if
23 you believe that the rear emergency exit door
24 needed to be open?

1 purpose of the emergency exits.

2 BY MS. NGUYEN:

3 Q. And you're saying as you sit here today
4 there is no scenario where Navistar could satisfy
5 FMVSS 217 while not making the rear emergency exit
6 door unlocked at all times while the bus is in
7 motion?

8 MR. COLLINS: Objection. Form.

9 THE WITNESS: Again, it's kind of a
10 convoluted question with the not and the
11 openable, not openable.

12 Could you simplify your question,
13 please?

14 BY MS. NGUYEN:

15 Q. Sure. In designing the rear emergency
16 exit door, your engineers understood that the rear
17 emergency exit door could be unlatched and opened
18 while the bus was moving?

19 A. Yes.

20 Q. And you agree that in designing the rear
21 emergency exit door your engineers understood that
22 the rear emergency exit door could be unlatched and
23 opened while the bus was moving at highway speeds
24 on the highway?

1 A. Yes.

2 Q. Now, while the bus is moving at highway
3 speeds on the highway, would you consider -- would
4 you agree with me that the forces of the bus moving
5 forward would make that emergency exit door be
6 easier to open when it's unlatched?

7 MR. COLLINS: Objection. Form.

8 THE WITNESS: No.

9 BY MS. NGUYEN:

10 Q. It would be harder to open when it's
11 unlatched?

12 A. It makes no difference.

13 Q. And why not?

14 A. The door has a mass and it's moving at
15 the same inertia as the bus. And the relative
16 inertia would make the release force of the handle
17 no different whether it was moving or not moving
18 minus the -- maybe air pressure at the back of the
19 bus.

20 Q. So let's say after the door is unlatched,
21 you don't believe that it would take less force to
22 open that door if it were moving at highway speeds
23 than if it were not in motion and stopped?

24 A. Very minimal difference, if any, and only